IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1298 OF 2006
IN
CRIMINAL APPEAL NO. -- OF 2006

M/s. New Thane Traders ...Applicant
V/s.
Shri Rajesh M. Joshi & Anr. ...Respondents

Shri Sachindra B. Shetye for the Applicant.
Mrs.M.M. Deshmukh, APP for the Respondents.

CORAM : V.M. KANADE, J.

DATED : OCTOBER 11, 2007

P.C. :-

. Heard the learned Counsel for the applicant and the learned Counsel for the respondents.

2. The applicant is challenging judgment and order passed by the trial Court whereby complaint filed by the complainant under Section 138 of the Negotiable Instruments Act was dismissed.

3. The learned Counsel for the applicant submits that the trial Court had erred in holding that there was material alteration in the cheque. He invited my attention to the impugned order. I have perused the

impugned order. I have also perused the cheque. It is abundant clear that there is material alteration in the cheque and the words "30" appear to have been inserted before the words "500". No initial has been obtained after the said alteration is made. The trial Court was justified in dismissing the complaint.

4. No case is made out for grant of leave. Leave refused. Appeal does not survive.

(V.M. KANADE, J.)